

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL BLANCHARD,

Plaintiff,

v.

LAURA GARNETTE, et al.,

Defendants.

Case No. [15-cv-01407-JSC](#)

ORDER TO SHOW CAUSE

Re: Dkt. No. 1

Petitioner, on probation and therefore in custody of the State of California, filed a habeas corpus petition pursuant to 28 U.S.C. § 2254. Petitioner has paid the \$5.00 filing fee. His petition sets forth a single claim challenging the constitutionality of petitioner's convictions in state court: that he received ineffective assistance of trial counsel based on counsel's failure to seek to exclude evidence that petitioner's credit card was declined. The claim, when liberally construed, is cognizable and potentially meritorious. Good cause appearing, Respondent is hereby ordered to show cause why the petition should not be granted.

In order to expedite the resolution of this case, it is further ordered as follows:

1. Petitioner shall serve respondent and the respondent's attorney, the Attorney General of the State of California, with a copy of this order and the petition with all attachments.

2. Respondent shall file with the court and serve on petitioner, within 91 days of the issuance of this order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be granted based on the claims found cognizable herein. Respondent shall file with the answer and serve on petitioner a copy of all portions of the state trial record that have been transcribed previously and that are relevant to a determination of the issues presented by the petition.

1 If petitioner wishes to respond to the answer, he shall do so by filing a traverse with the
2 court and serving it on Respondent within 28 days of the date the answer is filed.

3 3. Respondent may file, within 91 days, a motion to dismiss on procedural grounds in lieu
4 of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing
5 Section 2254 Cases. If respondent files such a motion, petitioner shall file with the court and
6 serve on respondent an opposition or statement of non-opposition within 28 days of the date the
7 motion is filed, and respondent shall file with the court and serve on petitioner a reply within 14
8 days of the date any opposition is filed.

9 4. The Clerk shall send a notice to respondent regarding consenting to the jurisdiction of a
10 magistrate judge.

11 **IT IS SO ORDERED.**

12 Dated: April 15, 2015

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15 JACQUELINE SCOTT CORLEY
16 United States Magistrate Judge
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United States District Court
Northern District of California